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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,927	08/27/2001	Joshua D. Staller	/ 2001-0074	4062
7590	01/22/2004		EXAMINER	
Samuel H. Dworetzky AT&T CORP. P.O. Box 4110 Middletown, NJ 07748-4110			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 01/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/939,927	STALLER, JOSHUA D.
	<b>Examiner</b>	<b>Art Unit</b>
	M. Lee	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 August 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. A facsimile communication received on 11/24/03 which was transmitted by the applicant is incomplete because page 3 of the transmitted papers has not been received. Since the Declaration paper in the file seems to be proper, it is not clear what applicant's intention is. Please provide correction instructions on the next communication.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al. (5,673,089).

Regarding claims 1-5, Yuen discloses a remote control enables a user to surf through a predetermined television channels in a cyclic manner (note col 6, lines 39-65), which meets the television input device as claimed.

Regarding claim 6, see col. 5, lines 12-17.

Regarding claim 7, see col. 6, lines 59-65.

Regarding claim 8, see col. 7, lines 7-16.

Regarding claim 9, see col. 6, lines 33-38.

Regarding claim 10, see col. 5, lines 37-62.

Regarding claim 11, Yuen inherently includes closed caption display feature which can be activated or deactivated by the user. This feature clearly meets the program information associated with each channel as claimed.

Regarding claim 12, a plurality of different themes in Yuen can be preset by the user. The preset themes clearly meet the subset channels as claimed.

Regarding claim 13, the theme channels and the set time period configured by the user in Yuen clearly meets the preference setting as claimed.

Regarding claim 14-26, see the corresponding apparatus rejection as set forth above.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reitmeier (6,118,498) shows a channel scanning apparatus.

Cherrick (6,198,513) shows a surfing mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is 703-305-4743.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at 703-305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Art Unit: 2614

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Technology Center 2600 Customer  
Service Office whose telephone number is (703) 306-0377.



M. Lee  
**Primary Examiner**  
**Art Unit 2614**

January 20, 2004